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6 Attorneys for Defendant United Services
7 Automobile Association

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

10 HOWARD DASH,

11 Plaintiff,

12 v.

13 UNITED SERVICES AUTOMOBILE
14 ASSOCIATION,

15 Defendant.

Case No. 3:14-cv-_____ (___)

16 **ANSWER TO COMPLAINT**

17 Defendant United Services Automobile Association through its counsel Farley &
18 Graves, P.C. hereby Answers its Complaint as follows:

19 1. Answering paragraph 1, Defendant is without sufficient information to admit or
20 deny the allegations and therefore denies the same.

21 2. Answering paragraph 2, Defendant admits it is a Texas corporation which is
22 authorized to provide policies in Alaska.

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1 3. Answering paragraph 3, Defendant upon information and belief admits the
2 accident at issue occurred in Anchorage but denies venue is properly before the honorable State
3 District Court.

4 4. Answering paragraph 4, Defendant denies jurisdiction is properly before the
5 honorable State District Court.

6 5. Answering paragraph 5, upon information and belief the Defendant admits the
7 allegations contained therein.

8 6. Answering paragraph 6, Defendant is without sufficient information to admit or
9 deny the allegations and therefore denies the same.

10 7. Answering paragraph 7, Defendant is without sufficient information to admit or
11 deny the allegations and therefore denies the same.

12 8. Answering paragraph 8, including discrete subparts (a) through (i), Defendant is
13 without sufficient information to admit or deny the allegations and therefore denies the same.

14 9. Answering paragraph 9, Defendant is currently without sufficient information to
15 admit or deny the allegations and therefore denies the same.

16 10. Answering paragraph 10, Defendant denies the allegations contained therein.

17 11. Answering paragraph 11, Defendant denies allegations regarding injuries and
18 damages alleged, and is without sufficient information to admit or deny allegations regarding
19 the negligence of certain parties and therefore denies the same.

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12. Answering paragraph 12, Defendant denies allegations regarding injuries and damages alleged, and is without sufficient information to admit or deny allegations regarding the negligence of certain parties and therefore denies the same.

13. Answering paragraph 13, Defendant is currently without sufficient information to admit or deny the allegations and therefore denies the same.

14. Answering paragraph 14, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

15. Answering paragraph 15, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

16. Answering paragraph 16, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

17. Answering paragraph 17, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

18. Answering paragraph 18, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

19. Answering paragraph 19, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

20. Answering paragraph 20, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

21. Answering paragraph 21, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

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22. Answering paragraph 22, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

23. Answering paragraph 23, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

24. Answering paragraph 24, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

25. Answering paragraph 25, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

26. Answering paragraph 26, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

27. Answering paragraph 27, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

28. Answering paragraph 28, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

29. Answering paragraph 29, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

30. Answering paragraph 30, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

31. Answering paragraph 31, Defendant is without sufficient information to admit or deny the allegations and therefore denies the same.

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1 32. Answering paragraph 32, Defendant is without sufficient information to admit or
2 deny the allegations and therefore denies the same.

3 33. Answering paragraph 33, Defendant is without sufficient information to admit or
4 deny the allegations and therefore denies the same.

5 34. Answering paragraph 34, Defendant is without sufficient information to admit or
6 deny the allegations and therefore denies the same.

7 35. Answering paragraph 35, Defendant is without sufficient information to admit or
8 deny the allegations and therefore denies the same.

9 36. Answering paragraph 36, Defendant is without sufficient information to admit or
10 deny the allegations and therefore denies the same.

11 37. Answering paragraph 37, Defendant is without sufficient information to admit or
12 deny the allegations and therefore denies the same.

13 38. Answering paragraph 38, Defendant is without sufficient information to admit or
14 deny the allegations and therefore denies the same.

15 39. Answering paragraph 39, Defendant is without sufficient information to admit or
16 deny the allegations and therefore denies the same.

17 40. Answering paragraph 40, Defendant is without sufficient information to admit or
18 deny the allegations and therefore denies the same.

19 41. Answering paragraph 41, Defendant is without sufficient information to admit or
20 deny the allegations and therefore denies the same.

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1 42. Answering paragraph 42, Defendant is without sufficient information to admit or
2 deny the allegations and therefore denies the same.

3 43. Answering paragraph 43, Defendant is without sufficient information to admit or
4 deny the allegations and therefore denies the same.

5 44. Answering paragraph 44, Defendant is without sufficient information to admit or
6 deny the allegations and therefore denies the same.

7 45. Answering paragraph 45, Defendant is without sufficient information to admit or
8 deny the allegations and therefore denies the same.

9 46. Answering paragraph 46, Defendant is without sufficient information to admit or
10 deny the allegations and therefore denies the same.

11 47. Answering paragraph 47, Defendant is without sufficient information to admit or
12 deny the allegations and therefore denies the same.

13 48. Answering paragraph 48, Defendant is without sufficient information to admit or
14 deny the allegations and therefore denies the same.

15 49. Answering paragraph 49, Defendant is without sufficient information to admit or
16 deny the allegations and therefore denies the same.

17 50. Answering paragraph 50, Defendant is without sufficient information to admit or
18 deny the allegations and therefore denies the same.

19 51. Answering paragraph 51, Defendant is without sufficient information to admit or
20 deny the allegations and therefore denies the same.

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1 52. Answering paragraph 52, Defendant is without sufficient information to admit or
2 deny the allegations and therefore denies the same.

3 53. Answering paragraph 53, Defendant is without sufficient information to admit or
4 deny the allegations and therefore denies the same.

5 54. Answering paragraph 54, Defendant is without sufficient information to admit or
6 deny the allegations and therefore denies the same.

7 55. Answering paragraph 55, Defendant is without sufficient information to admit or
8 deny the allegations and therefore denies the same.

9 56. Answering paragraph 56, upon information and belief Defendant admits the
10 allegations contained therein.

11 57. Answering paragraph 57, upon information and belief Defendant admits the
12 allegations contained therein.

13 58. Answering paragraph 58, upon information and belief Defendant admits the
14 allegations contained therein.

15 59. Answering paragraph 59, upon information and belief Defendant admits the
16 allegations contained therein.

17 60. Answering paragraph 60, upon information and belief Defendant admits a policy
18 of insurance existed. And any all remaining allegations are denied.

19 61. Answering paragraph 61, Defendant admits the allegations contained therein.

20 62. Answering paragraph 62, upon information and belief Defendant admits the
21 allegations contained therein.

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63. Answering paragraph 63, upon information and belief Defendant admits the allegations contained therein.

64. Answering paragraph 64, upon information and belief Defendant admits the allegations contained therein.

65. Answering paragraph 65, upon information and belief Defendant admits the allegations contained therein.

66. Answering paragraph 66, upon information and belief Defendant admits the allegations contained therein.

67. Answering paragraph 56, upon information and belief Defendant admits the allegations contained therein.

68. Answering paragraph 68, Defendant denies the allegations contained therein.

AFFIRMATIVE DEFENSES

BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSES, Defendant alleges as follows:

1. Plaintiff fails to state a cause of action against defendant.
2. Plaintiff's maximum recovery is controlled by the terms and conditions of the UIM coverage language in the applicable insurance policy.
3. Plaintiff has failed to mitigate his damages and recovery is barred or mitigated thereby.
4. Injuries claimed by Plaintiff are a result of a preexisting conditions or subsequent events.

5. USAA is entitled to an offset against recovery, if any, for medical expenses paid under Plaintiff's Medical Payments Coverage, and off-set for the liability settlement, and off sets for any advance made under Plaintiff's UIM coverage.

6. USAA reserves the right to assert additional defenses as discovery is obtained.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant asks this Court to dismiss Plaintiff's claim with prejudice, award Defendant its costs and fees, and provide further relief to which Defendant is entitled.

DATED this 10 day of March 2014 at Anchorage, Alaska.

FARLEY & GRAVES, P. C.

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Alaska Bar No.: 9711062
Attorneys for Defendant United Services
Automobile Association

CERTIFICATE OF SERVICE

Pursuant to Civil Rule 5, I hereby certify that on this 10 day of March 2014 a true and correct copy of the foregoing was served electronically on the following person(s):

James W. Crowson, Esq.
Crowson Law Group
205 E. Benson Blvd., Suite 102
Anchorage, AK 99503
james@crowsonlaw.com

By: s/Cheryl L. Graves

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